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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 United States of America,)

9 Plaintiff,)

10 v.)

11 Ramon Saavedra-Paredes,)

12 Defendant.)

CR 11-354 TUC DCB

ORDER

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14 The Court grants the Government's Motion to Dismiss Defendant's Appeal of his
15 misdemeanor sentence imposed, pursuant to a guilty plea, entered on July 6, 2010. He was
16 sentenced and Judgment entered the same day to 180 days in prison, with credit for time
17 served, for violating 18 U.S.C. 1325 by unlawfully entering the United States at a time and
18 place other than as designated by an Immigration Officer.

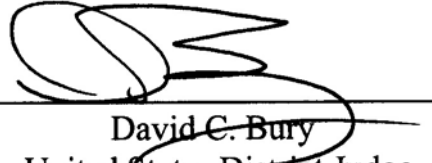
19 Defendant's Appeal was untimely filed on November 2, 2010, more than 14 days
20 after entry of the Judgment. Defendant's Appeal is moot because he has been released and
21 not placed on supervised release. Defendant's Appeal, filed in 10-9654M challenged the
22 sentence as illegally imposed in violation of law due to an incorrect guideline application.
23 The misdemeanor sentence, however, was not a guideline offense. Additionally, his plea
24 agreement contained a waiver of his right to appeal, which warrants dismissal of the appeal.
25 *United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000); *United States v. Bolinger*, 940
26 F.2d 478, 479-80 (9th Cir. 2010).

27 For all these reasons, the Motion to Dismiss the Appeal is granted.

28 **Accordingly,**

1 **IT IS ORDERED** that the Motion to Dismiss the Appeal (doc. 4 in CR 11-354 DCB
2 GEE and doc. 7 in MJ 10-9654 GEE) is GRANTED.

3 DATED this 7th day of April, 2011.

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8 David C. Bury
9 United States District Judge
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